

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEFFREY THOMAS OSTDIEK, United States
Citizen of Marilyn Kathryn Lubischer and Jerry
Thomas Ostdiek;

8:19-CV-483

Plaintiff,

vs.

SARPY COUNTY COURT PROSECUTOR,
and All Known Associates; and GAGE COBB,
and All Known Associates;

ORDER

Defendants.

This matter comes before the Court on Plaintiff's second request for an extension of time in which to serve Defendants. [Filing 12](#). On February 3, 2020, this Court ordered Plaintiff to show cause why this case should not be dismissed for his failure to prosecute pursuant to [Fed. R. Civ. P. 4\(m\)](#). [Filing 9](#). In response, Plaintiff did not present any reason to the Court why he had been unable to serve Defendants. See [Filing 10](#). Nevertheless, the Court granted Plaintiff an additional thirty (30) days, or until March 12, 2020, within which to perfect service. [Filing 11](#). Plaintiff now seeks a further extension. [Filing 12](#).

Having reviewed the matter, the Court denies Plaintiff's request for a further extension. [Fed. R. Civ. P. 4\(m\)](#) requires a court to extend the time for service only "if the plaintiff shows good cause for the failure" to effect service. For the second time, Plaintiff has not shown good cause; he states only that he will be in a trial in Sarpy County in April. [Filing 12](#). This does not provide good cause for failing to serve process in accordance with [Fed. R. Civ. P. 4](#).

Plaintiff has had ample time within which to serve Defendants and has not provided an explanation of why this time, including both the time provided for by the Federal Rules of Civil Procedure and the Court's previous thirty-day extension, is inadequate. Accordingly,

IT IS ORDERED:

1. Plaintiff's Second Motion to Extend, [Filing 12](#), is denied;
2. Should Plaintiff fail to comply with [Fed. R. Civ. P. 4](#) on or before March 12, 2020, the case will be dismissed without prejudice and without further notice.

Dated this 19th day of February, 2020.

BY THE COURT:



Brian C. Buescher
United States District Judge